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September 11, 2009

VIA FACSIMILE & ECF

The Honorable James Orenstein,
United States Magistrate Judge
225 Cadman Plaza East
Room 456 North
Brooklyn, NY 11201

Re: *In re Payment Card Interchange Fee & Merchant Discount Antitrust Litigation*
1:05-MD-1720-(JG)(JO)

Dear Judge Orenstein:

In light of the relatively sparse agenda for next Thursday's conference, the defendants have suggested that the parties agree to postpone and reschedule the Conference. We agree (subject to your Honor's approval) that the argument on Plaintiffs' Motion to Compel Production of Documents Claimed to be Privileged by MasterCard may be deferred to coincide with the scheduled October 7-8 dates, as well as other matters on the Agenda, with the exception of the issue discussed on pages 3 and 4 of the Status Report relating to a clarification/amendment of the Class Motion.

Plaintiffs had prior discussions with Visa relating to a clarification/amendment of the forthcoming Class Motion (with no further briefing) to incorporate the now-pending VISA IPO and PIN Debit claims, and believed (and still hope) that we are going to reach agreement on that matter. However, apparently, some other defendants raised concerns yesterday, requesting that, for example, plaintiffs provide them with "draft papers" reflecting such clarification or amendment. Plaintiffs respectfully submit that this matter should be resolved in advance of the October arguments and propose to limit the September 17th Conference to that item only. If, in the interim, agreement is reached on this matter, we plan to inform the Court promptly so that the Court can decide whether to proceed with the Conference.

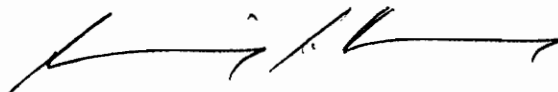
If the Court wishes the parties to modify their positions on any of the above, we would respectfully request your Honor to notify counsel of your Honor's preferences.

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Thank you for your Honor's attention to these matters.

Respectfully Submitted

A handwritten signature in black ink, appearing to read 'Merrill G. Davidoff', with a stylized flourish at the end.

Merrill G. Davidoff
For Co-Lead Class Plaintiffs' Counsel

MGD/sll

cc: Counsel for all Parties *(via ECF/LexisNexis File & Serve)*

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